

1 NICHOLAS A. TRUTANICH
2 United States Attorney
3 District of Nevada
4 Nevada Bar Number 13644
5 ROBERT KNIEF
6 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Telephone: (702) 388-6336
Email: Robert.Knief@usdoj.gov
Counsel for Plaintiff United States

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

-oOo-

9 UNITED STATES OF AMERICA,) Case No.: 2:17-cr-00124-JAD-EJY
10 Plaintiff,)
11 vs.) **Stipulation to Continue Sentencing**
12 JOHN PHILLIPS,)
13 Defendant.)

14 It is stipulated and agreed, by and between Nicholas A. Trutanich, United States
15 Attorney; Robert Knief, Assistant United States Attorney, counsel for the United States of
16 America and Dan Hill, Esq., counsel for defendant Phillips;

17 That the sentencing scheduled in this matter for May 11, 2020, be vacated and
18 continued for a period of not less than 60 days. This stipulation is entered into for the
19 following reasons:

- 20 1. The parties agrees to the continuance;
- 21 2. Defendant is currently in-custody and does not object to the continuance;
- 22 3. The parties are gathering additional materials pertinent to sentencing and require
23 more time;

4. The United States is currently in the grips of the COVID-19 pandemic with most private and public institutions being shuttered at the direction of federal, state, and local government to abate spread of the disease. On March 30, 2020 District of Nevada Chief Judge Du issued Temporary General Order 2020-05 finding that in-person hearings could seriously jeopardize public health and safety. This Order, and the “Coronavirus Aid, Relief, and Economic Security Act” (“CARES Act”), passed by Congress on March 27, 2020, do allow for changes of plea or sentencing to be conducted via video conference; but only in cases where it can be specifically found the hearing cannot be further delayed without serious harm to the interests of justice. See CARES Act, H.R. 748, Public Law No. 116-136.

5. The parties agree there are no case-specific-facts as to this matter where further delay would cause serious harm to the interests of justice. Given this, and the current circumstances relating to the pandemic, a continuance of the sentencing is appropriate.

6. This is the first request for continuance.

DATED this 7th day of May, 2020.

Respectfully submitted,

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Robert Knief
ROBERKNIEF
Assistant United States Attorney

/s/ Dan Hill
DAN HILL, ESQ.
Counsel for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

-oOo-

I. Findings of Fact

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. The parties agree to the continuance;
2. Defendant is out of custody and does not object to the continuance;
3. Pursuant to Temporary General Order 2020-05, issued by the Chief Judge of the District of Nevada, all in-person sentencing constitute a serious threat to public health;
4. The parties agree there are no case specific facts where a delay in sentencing would seriously harm the interests of justice;
5. The Court finds no specific reasons to conduct the sentencing hearing via video conference, and finds continuance is appropriate.

3

1

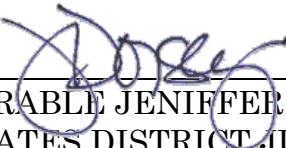
1 **II. Order**

2 It is ordered the sentencing currently scheduled for May 11, 2020, be vacated
3 and continued to July 13, 2020, at 10:00 a.m.

4

5 **IT IS SO ORDERED**

6

7 
8 THE HONORABLE JENIFFER A. DORSEY
9 UNITED STATES DISTRICT JUDGE

10 DATED: 5/7/2020